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10/791,049	03/02/2004	Xiaorong Wang	P03002US1A	2827

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EXAMINER

MULLIS, JEFFREY C

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1796

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

The terminal disclaimer filed on 5-12-09 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6875818 has been reviewed and is accepted. The terminal disclaimer has been recorded.

The "Notice of Panel Decision from Pre-Appeal Brief Review" did not mention any "point of contention" at all and there is no basis for assuming that every position taken by the previous examiner was in error. Applicants argument that the issue between what the reference teaches and the issue of what the claims encompass is not understood. The two issue have nothing to do with each other. Nowhere has the present examiner ever said that "a di-block or tri-block polymer chain is both a mono-block polymer chain at the same time". No such statement appears in the remaining art rejection or has ever been made or implied by the present examiner. Applicants argument that a "polymer chain that has two or three blocks cannot be said to be a mono-block polymer chain" is correct and at the same time completely immaterial to any limitation in the claims. Applicants nanoparticle is recited merely to "include (emphasis added) mono-block and diblock polymer chains". Patentees materials can be said to "include" mono-block macromolecular moieties as part of their materials' structure in the same way that such moieties are part of applicants (nanoparticle) structure. As applicants would have it "include" and "be" are the same thing but there is nothing in applicants specification or in the usually accepted meaning of these words to indicate that "be" and "include" are synonyms. Applicants argue that the term "mono-block" should not be read as a sub part of a diblock copolymer. Applicants own nanoparticle however is recited to include

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mono and di-blocks as sub parts. Applicants renew their argument that a mono-block is a homopolymer but the examiner still does not understand how such an argument is pertinent to patentability. In any case it is clearly untrue as blocks as the term is used in the art may be homopolymeric or copolymeric. There is nothing contradictory on page 6 of applicants specification to the examiner's position. As a matter of fact it is not clear why applicants felt the need to insert the word "separate" if it was understood that the mono-block was not part of the diblock copolymer. It is not necessary that a reference disclose an entire range in order to anticipate a claims. The term "about" allows for some leeway and hence since "about 1.3" overlaps with "about" 1.5, the reference reasonably appears to disclose materials with applicants characteristics. It is immaterial that applicants claims encompass high polydispersities such as 10 or even if they encompassed a hundred. Applicants claims encompass polydispersities of "about 1.5" which could be construed to include 1.2 which are not particularly broad. Wooley discloses examples with nanoparticles having polydispersities of as high as 1.17 or expressed to applicants number of significant figures 1.2.

JCM

5-18-09